

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

U.S. BANK NATIONAL ASSOCIATION,

Plaintiff,

v.

EEL RIVER INVESTMENT COMPANY, et
al,

Defendants.

Case No. C04-5623RBL

ORDER

THIS MATTER comes before the Court on Sterne Agee's Motion to Compel U.S. Bank Production of Communications With and Documents Provided to John Goetz or His Counsel During the Period From December 30, 2008-January 11, 2009 [Dtk. #464]. The Court has reviewed the motion and supporting documentation and the Court's Order Granting Plaintiff's Motion for Confirmation Regarding Trial Preparation of Witnesses [Dkt. #457]. The Court does not require a response from U.S. Bank in order to interpret its own Order. Oral argument is not necessary to resolve the issue presented in this motion.

Sterne Agee's Motion is **DENIED**. Based upon the information provided to the Court, there is no evidence that Peter Ehrlichman provided a copy of his notes to Mr. Goetz to review. Without that additional fact, Mr. Ehrlichman's notes more closely fit into the category of "affidavit providing a description of the contents of the conversation" which the Court expressly refused to require lawyers conferring with Mr. Goetz to prepare. The Court did not mean to imply that the required production of

1 “evidence of the telephone calls” between U.S. Bank counsel and Mr. Goetz or his counsel was to include
2 the mental impressions of counsel.

3 The Motion to Shorten Time [Dkt. #463] is **DENIED AS MOOT.**

4 **IT IS SO ORDERED.**

5 Dated this 6th day of January, 2009.

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8 RONALD B. LEIGHTON
9 UNITED STATES DISTRICT JUDGE
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